

STATE CONTROLLER'S OFFICE
PERSONNEL/PAYROLL SERVICES DIVISION
P. O. BOX 942850
Sacramento, CA 94250-5878

DATE: December 4, 2008

PERSONNEL LETTER #08-013

TO: All Agencies/Campuses in the Uniform State Payroll System

FROM: Don Scheppmann, Chief
Personnel/Payroll Services DivisionRE: **CONFIDENTIALITY OF EMPLOYEE INFORMATION**

This letter provides information and procedures for protecting the safety of employees when employment and payroll information is requested by public entities pursuant to the California Public Records Act (CPRA). The State Controller's Office (SCO) takes measures to ensure that only permissible non-confidential data is disclosed to the public. The CPRA provides for the exemption of confidential data such as social security number, net pay, age or marital status. The Act also provides for withholding permissible information if the facts for not disclosing that data clearly outweigh the public interest served by disclosure of the information.

Pursuant to the Act, the primary concern for SCO in releasing public information is the safety of undercover/special agents, employees covered by the Family Educational Rights and Privacy Act, employees under the Secretary of State's Safe At Home Program and employees who are a victim of a crime with a court order/restraining order specifically precluding the disclosure of the employee's name and place of employment. Outlined below is further information and related processing information to protect the safety of an employee falling under one of the aforementioned categories.

Undercover/Special Agents

Today, the names and employing departments of civil service employees in the following undercover/special agent classifications are protected from disclosure pursuant to the CPRA due to the confidential nature of their employment.

Class Code and Title

| | |
|------|---|
| 9764 | Special Agent-in-Charge, Department of Corrections |
| 9766 | Special Agent Department of Corrections |
| 9767 | Senior Special Agent Department Of Corrections |
| 8482 | Special Agent, Department Of Justice |
| 8514 | Special Agent Trainee, Department Of Justice |
| 8522 | Senior Special Agent-In-Charge, Department Of Justice |
| 8523 | Special Agent-In-Charge, Department Of Justice |
| 8524 | Special Agent Supervisor, Department Of Justice |

The departments and the California State University (CSU) Chancellor's Office shall notify the SCO of changes to the above list. Departments need to identify the classification (title and class code) to add to

the list and the reason for protecting employees in that classification from disclosure. Likewise, departments need to notify SCO if a listed classification should be removed. Send the information to:

State Controller's Office
Personnel/Payroll Services Division
P.O. Box 942850
Sacramento, CA 94250-5878
Attn: Michele Hawkins

Campuses should contact the Human Resources Administration at the CSU Chancellor's Office regarding CSU classifications that should be added to the above list.

Family Educational Rights and Privacy Act (FERPA)

The FERPA is a federal law that protects the privacy of students who are employed at the CSU campus they attend. The Act provides for the nondisclosure on directory information such as the student's name. CSU employees who are in bargaining unit 11 or in one of the following student related classifications shall have their name and employing campus protected from disclosure pursuant to the CPRA.

Class Code and Title – CSU R11

1150 Instructional Student Assistant
1151 Instructional Student Assistant – On Campus Work Study
2325 Graduate Assistant Monthly
2326 Graduate Assistant – On Campus Work Study
2353 Teaching Associate – 12 Month
2354 Teaching Associate – Academic Year
2355 Graduate Assistant

Class Code and Title

0100 Youth Summer Aid
1868 Student – Nonresident Alien Tax Status
1869 Resident Assistant
1870 Student Assistant
1871 Student Trainee, On-Campus Work Study
1872 Student Trainee, Off-Campus Work Study
1874 Bridge Student Assistant
1875 Bridge Student Trainee, On-Campus Work Study
1876 Bridge Student Trainee, Off-Campus Work Study

Any questions on or changes that should be made to the above list should be addressed to the Human Resources Administration at the CSU, Chancellor's Office.

Safe at Home Program

In March 2000, the Secretary of State's Office implemented the California Confidential Address Program, now called the Safe At Home Program, to provide address protection for victims of domestic violence. Participants enrolled in this program receive a substitute address from the Secretary of State for use in business transactions requiring a residence or mailing address. A participant may also wish

to have the substitute address reflected on their employment history record. Employees with the substitute address entered on their employment history record shall have their name and employing department/campus protected from disclosure pursuant to the CPRA.

The SCO encourages departments and campuses to ensure that employees are aware of the Safe At Home Program. Please refer to the Secretary of State's Office Safe At Home Program at <http://www.casafeathome.org/> for additional information. Also, please refer to the Personnel Letter 00-004 for the instructions to update the employment history data base with the Safe At Home Program's substitute address or click on the following link to go directly to the letter: <http://www.sco.ca.gov/ppsd/scoltrs/pers/2000/00-004.pdf>.

Court Order/Restraining Order of Protection of Name/Place of Employment from Disclosure

If an employee does not qualify for the Safe At Home Program and the employee is a victim of domestic violence or a victim of a crime, sexual assault or stalking, with a court order/retraining order that specifically precludes the disclosure of the employee's name and/or place of employment, the employee may protect their safety by providing his/her department/campus with a copy of the court order/retraining order. Further, the department/campus should obtain a declaration from the employee stating that under penalty, the employee is a victim of domestic violence or a victim of a crime, sexual assault or stalking and fears for his/her safety or his/her children's safety and pursuant to the provided court order/retraining order, the employee's name and/or place of employment shall be used only for statutory and administrative purposes and shall not be used for public dissemination.

Upon receipt of the declaration and court order/retraining order, the department/campus shall complete and submit the attached "Certification and Request to Protect Employee Public Information" to SCO. Questions regarding the court order that is provided by the employee for purposes of protecting his/her identity should be directed to the department/campus legal office.

The SCO will not disclose the name and employing department/campus of employees identified on the certification form when satisfying CPRA requests for such information. The attached certification form should be reproduced for use and all items must be completed on the form. It must be signed by a person authorized to sign personnel/payroll documents and mailed or sent via secure fax to the address/fax number on the form. If there is an expiration date entered on the form, the employee will be removed from the special process to protect the disclosure of his/her name/employing department/campus pursuant to the CPRA effective that date. If there is no expiration date, then the employee will continue to have his/her name/place of employment protected until the attached certification form is received to delete the employee from the special disclosure protection process. It is the responsibility of each department/campus to ensure that the SCO is notified timely of changes to the list of employees requiring protection of their name and place of employment pursuant to a court order.

The above groups of employees shall have their employee information with respect to name and place of employment protected from disclosure pursuant to the CPRA only and not from other State or union purposes as provided by law. Departments and campuses should also follow the above guidelines in satisfying CPRA requests.

Should there be any questions regarding the above information, please contact Michele Hawkins at (916) 324-1293.

DS:SK:PMAB

**CERTIFICATION AND REQUEST TO
PROTECT EMPLOYEE PUBLIC INFORMATION**

| Type of Change (Check One) | | Employee Social Security Number | Expiration Date (Enter Date or Leave Blank) |
|--------------------------------------|---------------|--|---|
| Add | Delete | - - | |

Department/Campus: _____

Contact Person: _____ **Contact Phone #:** _____

Authorizing Signature: _____ **Date:** _____

I certify that I am authorized to sign this certification for the department/campus. The employee SSN listed above certified under penalty and presented a copy of the court order/restraining order providing the protection of his/her name and employing department/campus from disclosure or the court order/restraining order has been revised or cancelled and protection of his/her name and place of employment is no longer necessary. The copy of the court order/restraining order is on file at the department/campus.

Please submit form to:

State Controller's Office
Personnel/Payroll Services Division
P.O. Box 942850
Sacramento, CA 94250-5878
Attn: Michele Hawkins
Secure FAX – (916) 322-8137

For SCO Use

| Date Received | Date Recorded | Recorded By |
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